



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 5358-98
1 June 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) SECNAVINST 1910.4B

Encl: (1) DD Form 149 w/attachments
(2) Case Summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected by changing the reason for discharge and the reenlistment code assigned on 1 April 1991.

2. The Board, consisting of Mr. Chapman, Mr. Bishop, and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 31 May 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. The Board was unable to obtain Petitioner's service and medical records, and reviewed the case based on the documentation from a prior review of his case and the material submitted by Petitioner.

d. Petitioner enlisted in the Navy on 1 September 1989 at age 19. At the time of his enlistment he had completed 12 years of formal education.

e. Petitioner served without incident until 21 February 1991, when a psychiatric evaluation found that he had an adjustment disorder and a borderline personality disorder. The diagnosis was made due to Petitioner's suicide attempt.

f. Subsequently, Petitioner was processed for separation by reason of the diagnosed personality disorder. On 1 April 1991 Petitioner received an honorable discharge by reason of "other physical/mental conditions". At that time he was assigned a reenlistment code of "RE-R3". Reenlistment codes of RE-3G or RE-4 are authorized when an individual is separated due to a diagnosed personality disorder.

g. With his application, Petitioner submits a psychological evaluation, which essentially states that while he did have an adjustment disorder that has been resolved, he does not have a personality disorder.

h. In an advisory opinion of 18 January 2000, the Specialty Advisor to the Surgeon General for Psychiatry concludes that the evidence of record fails to support the diagnosis of a personality disorder. Accordingly, the Specialty Advisor recommends that the diagnosis of borderline personality disorder be removed from the Petitioner's DD-214 and that his reenlistment code be changed to reflect this change in diagnosis.

i. Reference (b) states that an individual may be separated by reason of best interest of the service if separation is appropriate but no other reason set forth in the reference covers the situation at hand. Individuals separated for this reason may receive a reenlistment code of RE-R1, RE-1, RE-3R, or RE-4. Codes of RE-R1 and RE-1 mean that the individual is recommended for preferred reenlistment or reenlistment, respectively. An RE-3R reenlistment code is assigned to an individual in pay grade E-3 who is recommended for reenlistment, but has failed to be advanced to E-4.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board concurs, in part, with the advisory opinion and concludes that the reason for discharge is inappropriate and should be changed to "best interest of the service", a non-stigmatizing reason for separation which is assigned when no other reason is appropriate. Accordingly, the Board believes the nondescript reason of best interest of the service is now appropriate.

Although Petitioner requested that his reenlistment code be changed, the Board concludes that no substantive change in the code is warranted. In this regard, the Board notes that the

"RE-R3" reenlistment code should have been entered as "RE-3R". Since this code is assigned due to an inability to advance on active duty, it never should have been assigned to Petitioner when he was separated due to personality disorder. However, the Board notes that an RE-3R reenlistment code is authorized by regulatory guidance for individuals discharged by reason of best interest of the service. The Board is unwilling to change the reenlistment code to an RE-R1 or RE-1, which are also authorized for best interest of the service, due to Petitioner's adjustment disorder and attempted suicide. Since the Board cannot make an unfavorable correction to an individual's record, changing the reenlistment code to RE-4 would be inappropriate. The Board thus concludes that the RE-R3 reenlistment code should only be changed to RE-3R.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show he received an honorable discharge by reason of best interest of the service on 1 April 1991, vice by reason of personality disorder.

b. That the RE-R3 reenlistment code be changed to RE-3R.

c. That no further relief be granted.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

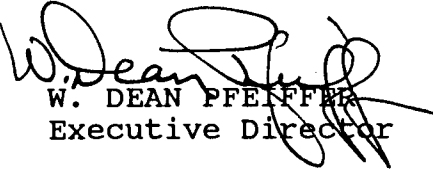
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEFFER
Executive Director